



DEC 02 1997

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OVERNIGHT MAIL

Mr. John Tyrrell
President
Tyrrell Investments
412 North Franklin Street
Manchester, Iowa 52057

Re: Request for Information Pursuant to Section 104 of CERCLA

Dear Mr. Tyrrell:

The United States Environmental Protection Agency ("EPA") has determined that there has been a release of a hazardous substance [lead] at the Hawkeye Castings, Inc. facility located at 1077 South Third Street, Manchester, Iowa 52057-0070. EPA is seeking information concerning the ownership, operations, leases, transfers and/or sale of Hawkeye Castings, Inc. and financial information of such related entities in order to determine the ability of a potentially responsible party to pay for cleanup activities at this facility.

A complete and truthful response to this Information Request (Attachment B) is due to EPA within **ten (10)** days of your receipt of this letter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

Winifred Okoye
Assistant Regional Counsel
Office of Regional Counsel
Environmental Protection Agency, Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

Glenn Curtis
Branch Chief
Iowa/Nebraska Remedial
Superfund Division

Enclosures



R00086444
RCRA Records Center



Attachment A

LEGAL AUTHORITY

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

Compliance with this Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in below, including the requirement for supporting your claim for confidentiality. If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should also be submitted within the time frame.

INFORMATION REQUEST INSTRUCTIONS

1. **Answer Every Question Completely.** A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. **Number Each Answer.** Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. **Provide the Best Information Available.** Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. **Identify Sources of Answer.** For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. **Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information.

8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" or "Respondent" shall mean you, Hawkeye Castings, Inc. and any parent, predecessors, successors or subsidiary. The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of Hawkeye Castings, Inc.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall mean Hawkeye Castings, Inc., 1077 South Third Street, Manchester, Iowa 52057-0070.
4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
7. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
8. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
10. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
11. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.
12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic

mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

14. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

15. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

16. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

17. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

Attachment B
Information Request

QUESTIONS

1. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
2. Describe the relationship(s) between you and Hawkeye Castings, Inc. and Tyrrell Investments or any predecessors, successors or subsidiaries of these listed corporations/entities. If successor or parent/subsidiary corporate relationships are involved, state the exact nature of the corporate relationships and give the dates upon which such relationships commenced and the dates upon which any relationships were terminated. Provide copies of any relevant corporate documents evidencing the corporate relationships described.
3. Provide the three most recent tax returns for Hawkeye Castings, Inc. and for Tyrrell Investments.
4. Provide a copy of the sales agreement for Hawkeye Castings, Inc.
5. Complete Attachment C and return it with your response to this Information Request.

Attachment C

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of Iowa

County of _____

I certify under penalty of law that I personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me on this ____ day of _____, 1997

NOTARY PUBLIC
My Commission Expires: _____